

U. S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ROANOKE CALENDAR - February 10, 2005

(The Honorable Ross W. Krumm Presiding)

Hearings by Video Conference

(Start _____ Recess _____ / _____ Stop _____ Trials: _____ Proceedings: _____)

7

Attys:	Debtors:	Case Nos.:	Trustees:
<u>3:00 P.M.</u>			
Furrow	BRIGITTE WITCHER-CH7 AP04-07105: Dischargeability; Debtor v. U. S. Department of Education; pre-trial - <i>contd from 12/9 <u>contd to H'burg: 4/7 @ 2:00 Tel.. Conf (Furrow to initiate)</u></i>	7-04-02786	McLean/GR
Krippend.	DELLA CUMBOW-C Plan Trustee Report, Obj & Showcause: Dismiss/Convert, #18 Obj: Hall Associates (J. Patterson) filed 12/15 #23 <i>—all above contd from 1/12</i> ORDER ENTERED 2/9/2005 CONVERTING CASE TO CHAPTER 7	04-74413	Connelly/LM
M. Giles	LINDA BROWN-CH7 Trustee's Objection to Debtor's Claim of Exemptions 13, 14 <i>(Response by Debtor) (Continued from 11/10/04 & 2/10)</i>	7-03-04808	Krippendorf
Krippend.	DANNY & LORI ANNE HALE-Ch13 Motion for Relief: EMC Mortgage Corp (Rosenberg) v. debtors and trustee #50 – <i>contd from 2/10</i>	02-3335	Connelly/AF
Shrader	PAUL & ANGELINA FONNER-CH13 Motion for Relief; Chase Manhattan Mortgage Corp (Sasser/ _____) <i>(Order Extending Stay 11/1/04)(Response by Debtors)</i> #13 <u>Response filed 11/8; #16 contd from 12/9</u> <i>—ORDER of 12/18 dismissed Motion without prejudice</i>	04-74061	Connelly/SJ

Roanoke 2/10 Video: RWK: 3:00 pm

Bowman	DWAYNE & DEBORAH BISHOP - Ch 13 Motion for Relief; US Bank Nat'l Assoc (Bierman) filed 11/26; d/e #37,39 Motion/Order for Extension: #38, 41 -contd from 2/10	04-1207	Connelly/JM
Kripp.	TAMARA THOMAS AP 04-7128: Det. Dischargeability Monogram Credit Bank of Ga (Fitzpatrick) v. debtor	04-3356	Allen/SJ
Krippen	DARRELL & TRESSIE MITCHELL-CH7 A/P 04-07132: Det. Validity, Priority, Extent of Lien Debtors v. Anthem Health Plans of VA Inc () and UVA Health Services Foundation (<i>see ltr filed 1/12 #4</i>) - contd from 2/10 as to only UVA & Anthem -- all other defendants in default	7-03-04361	Creasy/SJ
M. Giles	LUTHER VEST-CH7 Motion for Relief: Wells Fargo (Sasser) v. Debtor & Trustee filed 12/07; #8, 10; Motion to Extend Stay; #9 <u>Response filed 12/20; #13 (ord of 12/22 rescinded 12/21</u> <u>order vacating stay; matter to remain on 2/10 docket)</u>	04-74334	Allen/AF
P. Brown	RENEE LILLY-CH13 Debtor's Motion to suspend Plan Payments #54	7-02-03034	Connelly/AF
R. Foster	STRUCTURE INVESTMENTS, INC. Motion for Relief from Stay w/BBT filed 12/20 #12 Recusal order entered 12/23 #15 - Cont1/12 & 2/10	04-03960-WSR	Krippendo/SJ

Roanoke 2/10 Video: RWK: 3:00 pm

Bowman	PATRICIA QUESINBERRY-CH7 AP04-07119: Dischargeability; Chase Manhattan Bank (Huebsch-man) v. Debtor; pre-trial - contd from 12/9 & 2/10 -Pltf Mot for Default Judgment (Huebschman) 12/03/04; d/e #10,9 - contd from 12/9 -Defendant filed Answer & Motion to file late answer 12/10; #11	7-04-03249	Creasy/JJ
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McNally	RICHARD GRAVES	03-3580	Creasy/GR
	Motion for Relief: Marshall & Iisley Bank (Patterson) filed 11/26/04; d/e #43/44/45/48 – <i>contd from 12/14</i> AMENDED Motion for Relief: filed 12/14; #54, <i>movant certif filed 2/15 #55</i>		
R. Foster	STRUCTURE INVESTMENTS, INC.	04-03960-WSR	Krippendo/SJ
	Motion for Relief from Stay w/BBT filed 12/20 #12 Recusal order entered 12/23 #15 - Cont1/12 – - <i>contd from 2/10 : if resp.to disc not filed by 2/25, mfsj will be granted.</i>		
M Hart	MARTIN HARMON	04-3471	Connelly/SL
	Objection of Debtor to Claim #3 of Flagstar Bank filed 12/13; #31, 32		
P Brown	RICKY & KATHERINE CADD	99-3959	Connelly/SJ
	Objection of Trustee to Claim #4 of Carilion Medical Center filed 12/14; #59, 60		
Gibson	JOSEPH WILLIS LEE, III-CH7	04-2269	McLean/SL
	UST's Motion To Extend Debtor's Discharge and Time For Filing a Motion to Dismiss Pending Determination of Objection To Discharge filed 12/21; #32, #33		
M. Hart	JAMES & BARBARA YOPP-CH13	02-02045	Connelly/JJ
	Motion for Relief: Beneficial Mortgage Co of VA (Zimm) filed 1/18; #57, 59 <u>Movants' Certification filed 1/18; #58</u> <u>Answer filed by debtor by counsel 1/17; #56</u>		
Roanoke 2/10 Video: RWK: 3:00 pm			
Krippend	VALERIE GIBSON-CH7	04-74592	Vogel/NS
	Motion for Relief: Chase Manhattan Mort Corp (Wood) filed 12/20; #13, #15 Movant's Certification filed 12/20; #14 <u>Response filed 12/28; #17</u> **2/9/05 Motion to be withdrawn; Order withdrawing is in transit		

M Hart	RICK LUPACCHINO	04-74820	Connelly/SO
	Motion for Relief: First Citizens Bank filed 12/23 #12, 17 Movant's certificate filed 12/23 #13 <u>Motion to continue STAY to 2/10 granted by 12/29 order</u>		
	Motion for Co-Debtor Stay: First Citizens filed 12/23 #14, 18		
Palmer	CHRISTINA NIMMO	04-74670	Creasy/SL
	Motion for Relief from Stay: DaimlerChrysler Services NA, LLC(Higgs) filed 12/22 #9 Movant's Certificate filed 12/22 #10		
H Brown	GERALD WILKERSON	04-74867	McLean/SL
	Motion for Relief - filed 12/29; #7, 8, 9 by CIT/Consumer Finance (Bierman)		
Bowman	VELVET CABLE	04-00945	Connelly/JJ
	Motion for Relief from <u>Co-Debtor Stay & Motion for Relief from Stay</u> : filed 12/27; #108, <i>movant certif #119</i> ; by Chase Manhattan Mortgage Corp (Sasser) <i>(stay extended by 12/29 ord)</i> <u>Response of debtor filed 1/11 # 117 – contd from 2/10</u>		
P Brown	WILLIAM & BEVERLY GRAY	04-1981	Connelly/GR
	Obj of Debtor to Claim #26 of Primary Care Associates in amt of \$283.51 fled 12/29; #32		
Magee	DAVID & YVONNE ILGENFRITZ	04-74442	Connelly/JJ
	Mot of Trustee to extend issuance of discharge filed 12/29; #7, 8 2/8/2005 Trustee report of no objections - Self executing and cancelling hearing		
Roanoke 2/10 Video: RWK: 3:00 pm			
Furrow	BARRY & CECEILA KIDD	04-74461	Creasy/SL
	Motion of Trustee to Extend Issuance of Discharge filed 12/29; #6 <u>Amended Motion filed 12/30; #7; Ord/Notice #8</u> report of no objections filed 2/8 #12- order self-executing		

Furrow	NATHANIEL KIDD	04-74458	Creasy/SL
	Motion of Trustee to Extend Issuance of Discharge filed 12/29; #7 <u>Amended Motion filed 12/30; #8; Ord/Notice #9</u> <u>report of no objections filed 2/8 #13- order self-executing</u>		
M Giles	RICHARD & SALLY COMBS	03-01607	Connelly/JM
	Motion for Relief from Stay w/Chase Manhattan Mortgage Corp(Sasser) filed 12/30 #47 Motion to extend stay filed 12/30 #48/ Order granting entered 1/4 #49 <u>Response filed 1/12; #54</u>		
G. McLean	TED JOHNSON	04-03654	Vogel/SJ
	Motion for Relief from Stay w/ Select Portfolio Servicing(Hildebeidel) filed 12/30 #48 <u>Response of Trustee (Vogel) filed 1/8; #55</u>		
Krippend.	DAVID & BARBARA WINFIELD	04-75074	Vogel/SL
	Motion for Relief - filed 1/5; #9, 10, 11, by Chase Manhattan Mortgage (Sasser) <u>Response filed 1/17 by debtors by counsel; #15</u> <u>Response filed 1/27 by Trustee (Vogel), #18</u> -ORDER of 2/2 dismissed motion without prejudice		
Palmer	RALPH & DAWN GRANT	03-2374	Connelly/SL
	Motion (first) to suspend payments filed 1/3; # 37		
M. Hart	RUSSELL BARTON-CH13	04-00295	Connelly/NS
	Motion for Relief: Homecomings Financial Network (McQuiddy); #44; <i>continued from 01/06; #52</i>		
P. Brown	ELIZABETH SHORTRIDGE-CH13	04-03511	Connelly/JM
	Objection to Claim #13; Member One FCU; \$8,702.47 filed 1/7; #21		
2/10 Video: RWK: 3:00 pm			
Spencer	TOMMY & STACY MUSSELMAN-CH13	04-74663	Connelly/SJones
	Objection to Claim #9; Green Tree Servicing LLC; \$15,861.62 filed 1/6; #10		

Shrader	CHARLES COLMANO dba MICARA PRODUCTIONS	04-74059	Krippen/SJones
	Trustee's Motion to Dismiss Case and Notice of Hearing filed 1/6; #10 and #11		
M Hart	CHARLES & MARY DUFF-CH13	04-02884	Connelly/GR
	Motion for Relief filed 12/07; #31,32 by Homecomings Financial Network (McQuiddy)		
	<u>Answer to motion filed 12/9; #34 – contd from 1/6</u>		
	2/10/05 Order Modifying the Automatic Stay		
	Motion for Relief - filed 1/10; #43, 44, by Daimler Chrysler Services NA LLC (Higgs)		
	<u>Answer filed 1/17; #49, by debtors</u>		
Delafield	MARTIN & SHARON JEFFREY	04-74202	Connelly/S
	Motion for Relief: filed 12/13; #17, 18, 19, by Standard Federal Bank (Patterson)		
	<u>Answer filed by debtors d/e #21 contd from 1/6</u>		
	–CASE DISMISSED BY ORDER OF 1/13/05		
Palmer	KENNETH PAYNE	04-2644	Connelly/JJ
	Motion for Relief - filed 12/3; #25, (corrected notice #27) #28, 29: Homecomings Financial Network (McQuiddy)		
	<i>Movant Certification 12/14; #36</i>		
	<u>Response of Debtor 12/10; #34 contd from 1/6</u>		
	Motion for Co-Debtor Relief - filed 12/3; #26, 30 by Homecomings Financial Network (McQuiddy)		
	Response filed 1/3/05 by debtor by counsel; #40 <i>contd from 1/6</i>		
M Hart	RUSSELL BARTON	04-295	Connelly/NS
	Motion for Relief - filed 12/7; #44, 46; by Homecomings Financial Network (McQuiddy)		
	<u>Answer of Debtor filed 12/13; #48</u>		
	<i>Movant certification filed 12/14, #49 (amended by #50) contd from 1/6</i>		
Roanoke 2/10 Video: RWK: 3:00 pm			
P Brown	WILLIAM & PENNY LONG	03-3358	Connelly/SJ
	Motion for Relief - #47, filed by Chase Manhattan Mortgage (Sasser)		
	<u>Response filed 1/10; #48 – contd from 2/10</u>		

Delafield	JEFFERY & KATINA MCDANIEL Motion for Relief filed 1/10; #22, 23, by HSBC Bank, USA (Sasser)	04-74325	Connelly/VS
Vita	CYNDY EUBANK Motion for Relief - filed 1/10; #7, 8, 9, by National City Mortgage Co (Sasser) <u>Response of Trustee filed 1/19; #13 (Vogel)</u> <i>–consent Ord to vacate stay endorsed by atty in transit to movant atty per 1/20 ltr</i>	04-75135	Vogel/AF
Bowman	MICHAEL LOGAN Motion for relief - filed 1/10; #33, 34, 35 re: 2002 Nissan King Cap Pickup: by Nissan Motor Acceptance Corp ; (Van Beek) <u>Response of Debtor filed 1/21; #37</u>	04-1165	Creasy/SL
T Giles	TOBY & JENNIFER MULLINS Motion for Relief - filed 1/11, #60, 62, by DaimlerChrysler Services NA (Higgs)	02-4311	Connelly/JM
Lowman	ROBIN THORNE Motion for Relief - filed 1/11; by Huntington National Bank (Wm.Smith) #9 to #12 <i>–Order of 1/26 granted relief (default)</i>	04-74931	Allen/AF
Krippend.	GERALD & JENNIFER COLLINS Motion of Trustee (Allen) to dismiss case filed 1/11 #36	03-3008	Allen/JM
Padgett	ROBERT VINEYARD Motion for Relief - filed 1/11; #28, 39, 40 by Bank of America (J. Patterson) <i>Movant certification filed 1/14; #41</i> <u>Answer of debtor filed 1/19; #43 – contd from 2/10</u>	04-00791	Connelly/NS
Roanoke 2/10 Video: RWK: 3:00 pm			
Krippend.	JENNIFER WIGGLESWORTH Motion for Relief - filed 1/10; #15, 16, 21 by GMAC Mortgage (McQuiddy) Response filed 1/24; # 24 <i>Movant certification 1/19; # 23</i> <u>Rewspouse to Motion filed by Debtor 1/24; # 24</u>	04-74359	Connelly/SJ

M Hart	RICHARD PEREZ	04-74196	Connelly/NS
	Motion for Relief filed 1/12; #25, 26, 27, by Primus Automotive Financial Services (Eason)		
	<u>First Response to Motion filed 1/14; #29; movant certif. Filed 1/14; #30</u>		
Krippend.	GARY & CHARLENE FOUTZ	04-04021	Connelly/SO
	Plan – <i>contd from 12/15 & 1/12</i>		
	Trustee Report, Obj & Showcause filed 11/22; #18 <i>contd from 1/12</i>		
M Giles	PHYLLIS GILBERT	02-2076	Connelly/SL
	Motion for Relief - filed 1/11; #36, 37, 38 by Vanderbilt Mortgage & Finance (Maxwell)		
	<u>Response filed by debtor 1/18; #40</u>		
	<u>Response (amended) filed by debtor 1/21; #41</u>		
Palmer	CHRISTOPHER MILLER	04-74733	Creasy/AF
	Motion for Relief: filed 1/18; #18, 19, by Washington Mutual (Sasser)		
	Motion for Relief filed 1/19; #20, 21 –by Washington Mutual (Trenita Stewart)		
	\$150 f. f. due paid 1/24; #29 ; p-hrg ord #30 entered 1/24		
M Giles	PHYLLIS GILBERT	02-2076	Connelly/SL
	Motion for Relief - filed 1/11; #36, 37, 38 by Vanderbilt Mortgage & Finance (Maxwell)		
	<u>Response filed by debtor 1/18; #40</u>		
	<u>Response (amended) filed by debtor 1/21; #41</u>		
	– <i>contd from 2/10</i>		
Lewis, M	JEFFREY & SANDRA SUTPHIN	04-74138	Connelly/AF
	Motion for Relief - filed 1/18; #33, 34, by Wells Fargo Bank NA (Sasser)		
	<u>Answer of Debtor filed 1/31; #37</u>		
	– <i>contd from 2/10</i>		

Roanoke 2/10 Video: RWK: 3:00 pm

M Hart	GREGORY & PATRICIA BROWN	03-4134	Connelly/AF
	Motion for Relief - filed 1/20; #47, 48, 50 by Deutsche Bank Natl Trust Co fka Bankers Trust Co of Calif. NA , as custodian or trustee (Roxanne Rosado)		
	<i>In re: 296 Archway Rd., Blue Ridge, VA</i>		
	<u>Answer filed 1/21; #49 by debtgors</u>		
E Spencer	DEVIN & RENA JOHNSON	04-4015	Connelly/LM
	Motion for Relief - filed 1/14; #38, by Schewel Furn. Co (Donna Clark)		
	Order entered 2/8 #44 Denying motion w/conditions for default		
Biddle	PAMELA ARNOLD	04-74428	Creasy/VS
	Motion for Relief - filed 1/13; #6, 7, 8, 9, by Citifinancial Inc (Zimm)		
	Order granting relief entered 2/9 #14		
Delafield	RANDY CLARK	04-74628	Vogel/VS
	Motion for Relief - filed 1/12; #9, 10, 11, by Chase Manhattan Mortgage Corp (Wood)		
	<u>Answer filed 1/26; #13 by debtor</u>		
	*** 2/9/05 - Motion to be withdrawn and an order will be tendered		
Bowman	RONALD PRICE	04-74795	Krippend/NS
	Motion for Relief - filed 1/17; #6, 7, 8, 13 by National City Bank (W.Smith)		
	-ORDER (default) entered 2/2		
Ludwig	BLAIR & KAREN GRIMM	02-888	Connelly/NS
	Motion for Relief - filed 1/10; #45 to 49; by Americredit Financial Services (Epps)		
	Order (default) entered 2/2		
M Hart	THOMAS & MARY CALES	03-579	Connelly/GR
	Motion for Relief - filed 1/20; #66, 67 by Wells Fargo Home Mortgage Inc (Sasser)		
	<u>Response of debtor filed 1/25; #69</u>		
Shrader	TRACY RATCLIFFE	04-75122	Vogel/SO
	Motion for Relief - filed 1/19; #7, 8, 10 by DaimlerChrysler Services NA(Higgs)		

Roanoke 2/10 Video: RWK: 3:00 pm

M Hart	GEORGE CUBITT	04-1017	Connelly/LM
	Motion for Relief: M & T Trust Co (Bierman) filed 11/24; d/e # 35 - contd for hearing by order of 1/20/05 #52 (<i>not heard on 1/6 as noticed? No 1/6 d/e</i>)		
Hileman	RUSSELL & JANICE BOOTHE	04-74667	Connelly/SL
	Motion for Relief - filed 1/18; #18, 19 by Citizens Auto Finance Inc (Fogleman)		
P Brown	ANGEL ALVAREZ	04-3977	Connelly/GR
	Motion for Relief - filed 1/18; #28, 29, by Wells Fargo Bank c/o Option One Mortgage Co (Bierman) <u>First Answer filed by debtor 1/19; #30</u> <u>***CONSENT ORDER TO BE TENDERED</u>		
Mayer	EDWARD & PHYLLIS LAW	04-3264	Connelly/SJ
	Motion for Relief - filed 1/19 #28, 29 by CitiCorp Trust Bank FSB (Zimm)		
P Brown	RICHARD & CAROLE O'NEIL	04-75028	Vogel/VS
	Motion for Relief - filed 1/18 #7, 8, 9, by ABN AMRO Mortgage Group Inc filed by Trenita Jackson-Stewart (office of Christine Patterson) <i>-Agreed order entered 2/8 #11</i>		
Bowman	CHRISTOPHER WEBB	03-5169	Krippend./SL
	Motion for Relief by DaimlerChrysler Services NA, LLC (Higgs) filed 1/10; #24 to #28 <i>-Default Order entered 1/25</i>		
S Shortt	WAYNE JUDKINS	05-70032	Wick/AF
	Motion for Relief - filed 1/14; #6,9, by VHDA (Cecil Moore) <u>Answer filed 1/27; #13, by debtor</u>		
Biddle	MISTY MOUNTAIN PRODUCTIONS INC	04-3456	McLean/SJ
	Motion to Approve Compromise, Notice & Certif of service filed 1/19; #16		

Roanoke 2/10 Video: RWK: 3:00 pm

Spencer	STEVEN & NANCY SHORT	04-74662	Connelly/SJ
	Motion for relief (841 Ray St., Rke VA) filed 1/19; #12, 13, 14, by Chase Manhattan Bank (Rosado)		
	<u>Answer of Debtors filed 2/2; # 16</u>		
Bowman	ROY BANE	02-2506	Allen/S
	AP 02-84: – Status & Showcause why AP should not be dismissed Debtor & Trustee (Allen) v. Affordable Efficiencies Inc (R.Foster)		
Delafield	KENNETH & WINSOR ST. CLAIR	04-1386	Connelly/GR
	Motion for Relief - filed 1/19; #72 to 76: Washington Mutual Bank (Patterson/Callahan)		
	<u>Answer to Motion filed by debtors 2/1; # 78</u>		
Shankman	CHRISTOPHER TILLER	04-74694	Creasy/NS
	Motion for Relief - filed 1/12; #7, 9, 9 by Chase Home Finance LLC (Sasser/Boylan)		
	<u>Answer & Statement of Adequate Protection filed by debtor 1/1; #11</u>		
	2/10/05 Shankman contacted chambers for consent to dropped order		
Janney	BERNICE WRIGHT	04-74485	Creasy/GR
	Motion to Avoid Lien of First Payday Loans Inc filed by debtor v. Respondent c/o Robert I. Reich, Pres/CEO, filed 1/24; #12, 13		
Furrow, C	JAMES & PEGGY RAKES	04-2785	/GR
	A/P 04-7106: Amended Complaint filed 12/21; #11, 12 : Determine dischargeability James Rakes (Furrow) v. U. S. Dept of Education & National Student Loan Program (Eckert)		
	<i>–Motion to Substitute Parties * ECMC for defendant National Student Loan Program</i>		
	<u>*Answer to amended complaint filed 1/21; #17 by Educational Credit Mgmt (Joyce)</u>		
	**US Dept of Education dismissed as party defendant by amended complaint		

Roanoke 2/10 Video: RWK: 3:00 pm

Shankman	PULASKI TINNING COMPANY, INC.	01-05002	Allen/S
	Motion for Compensation filed 12/15 by trustee #75, 76, 77		
	No objections filed per letter 2/7 order is self-executing #82		
M Hart	ERIC & DELPHIA LEWIS	04-2910	Connelly/JM
	Objection to Claim of Clearview Federal Credit Union filed 12/13 #28, 29		
Janney	THOMAS BEHELER	03-01527	Connelly/VS
	Motion to incur debt 2/8 #46		
	Motion to Shorten notice requirement 2/8 #47		
	Motion to Sell Free/Clear 2/8 #48		
	Motion to Shorten Notice Requirement 2/8 #49		

3:30 P. M.

Magee	LAKE LANDSCAPE & EROSION CENTER INC	04-3883	DIP/GR
	Application for Compensation and Expenses of Magee,Foster firm, counsel for debtor (1st Interim) filed 1/13; #97		
	Application for Compensation & Expenses of Kevin A. Mele, PC, CPA (First & Final) filed 1/13; #98		
	Application (1 st Interim) for Compensation and Expenses of Larry A. Carey, Accountant Filed by debtor 1/13; #99		

Roanoke 2/10 Video: RWK: 3:30 pm

Magee/
Charboneau

KGG, INC. & GREGG KUHN

04-74550

DIP/JJ

A/P 04-07143 : Declaratory Judgment
Debtor v. Burnt Chimney Properties, Inc.(Grimes)
Certificate of service 12/22 #9; Answer 1/11; #11

Motion for Relief: Burnt Chimney Properties (Grimes) filed 1/4; #83

Notice of Hearing filed 1/6; #96, P-Hrg Ord #99 & #100

Respondent certif. Filed 1/20 #125; Movant certification filed 1/20; #131

Response to Motion filed by debtor 1/20; #126

Brief in Opposition to Relief /In support of Debtor's Motion for Judgment on the Pleading and Motion to Dismiss filed 1/20; #127

Motion for Compensation by Magee Foster Goldstein & Sayers PC filed 1/13; #116, 117

Motion for Relief or Adequate Protection filed 1/19; #121 to 124; Branch Banking & Trust Co (W Smith) ; *movant certification filed 1/26; #138; respondent's certif #143 filed 1/28*

Response of Debtor to Motion filed 1/28 # 142; Supplemental Response 2/1; # 145

Motion of Debtor for Approval of Adequate Protection Agreement with BB&T filed 1/26; #139, 140